EXHIBIT B

Affidavit of Brian Cook, Retail Brands Alliance, Inc. v. Factory Mut. Ins. Co., Inc., Case No. 1:05-cv-01031-RJH-HBP, (S.D.N.Y.)

| SOUTHERN DISTRICT OF NEW YORK | | |
|-----------------------------------|---|----------------------------------|
| | X | |
| Retail Brand Alliance, Inc., | ; | |
| Plaintiff, | : | CIV. ACTION NO.: 05-CV-1031(RJH) |
| -against- | : | , |
| Factory Mutual Insurance Company, | : | AFFIDAVIT OF BRIAN COOK |

Defendant.

LINITED STATES DISTRICT COURT

STATE OF OHIO) ss.: COUNTY OF)

Brian Cook, being duly sworn, deposes and says:

- 1. I am an Assistant Vice President and Senior General Adjuster at Factory Mutual Insurance Company ("FM Global).
- 2. I have reviewed the claim files of Policyholder #1 and #2, as they are referred to in RBA's Memorandum in Support of its Motion to Exclude the Expert Testimony of Mark Bremer and Donald Gibbs and to Strike Defendant's Fourteenth Affirmative Defense, and I have personal knowledge of how those claims were adjusted.
- 3. In my review of the claim files for Policyholders #1 and #2, it is clear that the adjusters on behalf of FM Global identified a downturn in the economy in Manhattan after September 11, 2001 and took that downturn into account when measuring the Policyholders' claims for business interruption.
- 4. The above approach is consistent with FM Global's adjustment policy, based in insurance policy language, of considering the probable real-world experience of the insured's business during the Period of Liability.

Brian Cook

Sworn to before me this day of August, 2008

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